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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 LISA GRANDE, individually and as
12 successor-in-interest to THE ESTATE
13 OF GERALD BRANTLEY, Deceased,

14 Plaintiff,

15 vs.

16 BORG-WARNER MORSE TEC,
17 INC., et al.,

18 Defendants.

CASE NO. 12cv540-GPC(JMA)

**NOTICE AND ORDER
PROVIDING TENTATIVE
RULINGS REGARDING PENDING
MOTIONS FOR INVOLUNTARY
DISMISSAL AND SUMMARY
JUDGMENT**

19 Currently pending before the Court, and set for hearing on Friday, March 7,
20 2014, are two motions for summary judgment and a motion for involuntary dismissal
21 filed by Defendants Ford Motor Company (“Ford”) and Crane Co. (Dkt. Nos. 187, 195,
22 198.) Having considered the submissions of the parties, and in anticipation of Friday’s
23 hearing, the Court hereby issues the following tentative rulings:

24 The Court tentatively DENIES in part Defendant Ford’s motion for involuntary
25 dismissal and GRANTS in part Ford’s motion for evidentiary sanctions against
26 Plaintiff for failure to produce evidence or otherwise respond to Ford’s requests for
27 production of the 1979 Ford Courier manual. (Dkt. No. 187.) The Court is tentatively
28 prepared to DISMISS Plaintiff’s claims related to asbestos exposure from Decedent’s
1979 Ford Courier.

1 The Court tentatively GRANTS Ford's motion for summary judgment. (Dkt. No.
2 198.) The Court tentatively finds that Plaintiff has failed to present sufficient evidence
3 to support a reasonable inference that Decedent was occupationally exposed to either
4 originally-installed asbestos-containing Ford parts or Ford replacement parts during his
5 employment at Schaefer Chevron. In particular, the Court is prepared to find that (1)
6 Plaintiff has not introduced evidence that Schaefer Chevron purchased Ford-
7 manufactured replacement parts, and (2) the evidence Plaintiff has introduced
8 regarding Decedent's exposure to originally-installed asbestos-containing Ford parts
9 during Decedent's employment at Schaefer Chevron is too speculative to withstand
10 summary judgment.

11 Furthermore, the Court tentatively finds that Plaintiff has not offered sufficient
12 evidence to support a conclusion that Decedent either (1) removed original Ford-
13 installed asbestos-containing brakes from Decedent's 1963 Ford Country Squire, or (2)
14 purchased replacement brakes for the 1963 Ford Country Squire manufactured by Ford.
15 The Court is therefore prepared to find that Plaintiff has failed to raise triable issues of
16 fact regarding Decedent's exposure to asbestos-containing products manufactured by
17 Ford.

18 In addition, the Court tentatively DENIES Crane Co.'s motion for summary
19 judgment. (Dkt. No. 195.) The Court tentatively finds that Plaintiff has raised triable
20 issues of fact regarding Decedent's exposure to Crane Co.'s asbestos-containing
21 products. Furthermore, the Court tentatively finds that triable issues of fact exist on the
22 availability of punitive damages. However, the Court tentatively GRANTS Crane Co.'s
23 request to sever the issue of punitive damages for trial.

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1 Counsel are advised that the Court's rulings are tentative, and the Court will
2 entertain additional argument at the hearing on March 7, 2014. The parties shall have
3 a combined thirty (30) minutes to present their arguments. That time shall be divided
4 equally between each side, and counsel shall be responsible for keeping time and
5 reserving time as necessary for response, rebuttal, or both.

6 **IT IS SO ORDERED.**

7 DATED: March 6, 2014

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9 HON. GONZALO P. CURIEL
United States District Judge